

# *Bakery, Confectionery and Tobacco Workers International Union*

10401 CONNECTICUT AVENUE, KENSINGTON, MARYLAND 20895-3961  
TELEPHONE (301) 933-8600 FAX (301) 946-8452

FRANK HURT  
INTERNATIONAL PRESIDENT

**STATEMENT ON  
H.R. 3434  
BAKERY, CONFECTIONERY & TOBACCO WORKERS  
INTERNATIONAL UNION, AFL-CIO**

**SUBMITTED FOR THE RECORD  
TO THE  
HEALTH AND ENVIRONMENT SUBCOMMITTEE  
OF THE  
HOUSE ENERGY AND COMMERCE COMMITTEE**

**FEBRUARY 7, 1994**

The Bakery, Confectionery & Tobacco Workers International Union (BC&T) appreciates this opportunity to submit for the formal record our perspective on H.R. 3434, the "Smoke-Free Environment Act of 1993."

Our union, headquartered in Kensington, Maryland, represents approximately 16,000 hard-working men and women employed in the tobacco industry in the United States.

Before providing specific comments on the legislation, we would like to refer the Subcommittee to the national AFL-CIO's position on the subject of smoking in the workplace, which we have included as part of our formal submission for the record.

The AFL-CIO opposes the imposition of smoking restrictions by either legislative or administrative mandate. Rather, organized labor believes that smoking policies are best developed within the context of individual worksites when they include discussion and negotiation between employers and employees or their elected employee representatives. The BC&T endorses this approach.

While BC&T could support the concept of designated smoking areas included within H.R. 3434, we cannot support the bill in its entirety because of several concerns which we discuss below.

page two  
BC&T Testimony, 2/7/94  
Health & Environment Subcommittee  
House Energy and Commerce Committee

1. **H.R. 3434 does not adequately address the real problems in indoor workplaces. Through its sole focus on banning environmental tobacco smoke (ETS), H.R. 3434 moves ETS ahead of a host of indoor air contaminants which exist in the workplace and have been proven far more hazardous to workers and the general public. It is regrettable that legislation to ensure worker health and safety and reduce exposure to such contaminants is not pursued as vigorously as H.R. 3434.**
2. **Enactment of an ETS-only ban will effectively pre-empt comprehensive IAQ legislation. Because H.R. 3434 is high-profile, highly controversial legislation which ignores the broader, more comprehensive issue of workplace protection, debate and passage of H.R. 3434 may have a chilling affect on the political resources within Congress and federal agencies to further legislate or regulate needed standards in the area of worker health and safety.**
3. **Subsection (c), which refers to "specially designated smoking areas" is too vague and fails to provide the Administrator of the Environmental Protection Agency with necessary guidance. The writings on building ventilation by EPA staff indicate a serious lack of expertise on the subject. Without more specific guidance from Congress, EPA's regulations for designated smoking areas will, most likely, reflect the biases of agency staff rather than sound ventilation engineering principles.**
4. **Moreover, H.R. 3434 as drafted would certainly apply to workplaces which have traditionally been under the jurisdiction of the Occupational Safety and Health Administration (OSHA). This bill would create confusing and even conflicting roles for the two agencies. We believe that the indoor air environment in the workplace is a subject that should remain within the jurisdiction of OSHA.**
5. **H.R. 3434 establishes a permissible exposure level (PEL) for ETS of zero, while Congress, EPA and OSHA tolerate far higher PEL's for substances whose lethal effects at the permitted exposure level are far better established. We believe that Congress should take a reasoned, balanced approach to legislation which will regulate virtually every indoor space in the U.S. and not be swept up in the carefully orchestrated hysteria surrounding the issue of environmental tobacco smoke.**

Based on the above concerns, we respectfully urge the members of the Health and Environment Subcommittee to reconsider H.R. 3434.

###

TI40540573